

Message Text

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ORIGIN SNM-02

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TO ALL DIPLOMATIC AND CONSULAR POSTS IMMEDIATE

UNCLAS STATE 057056

INFORM CONSULS

E.O. 11652:N/A

TAGS: SNAR

SUBJECT: CONGRESSIONAL HEARINGS ON DECRIMINALIZATION OF
MARIHUANA

THERE FOLLOWS TEXT OF STATEMENT OF DR. PETER BOURNE, SPECIAL
ASSISTANT TO THE PRESIDENT, ON THE SUBJECT AS REFERRED TO
IN SEPTEL.

QUOTE MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, I AM VERY
HAPPY TO APPEAR BEFORE YOU TODAY ON BEHALF OF THE ADMINIS-
TRATION.

1. I WOULD LIKE TO START BY SAYING THAT PRESIDENT CARTER
IS DEEPLY CONCERNED ABOUT THE PROBLEM OF DRUG ABUSE. OUR
POSITION IS TO DISCOURAGE THE ABUSE OF ALL DRUGS, INCLUDING
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ALCOHOL AND TOBACCO, AS A NATIONAL POLICY. AT THE SAME
TIME, WE BELIEVE THAT THE MECHANISM FOR DISCOURAGEMENT
SHOULD NOT BE MORE DAMAGING TO THE INDIVIDUAL THAN THE DRUGS
THEMSELVES. WE WILL CONTINUE TO DISCOURAGE MARIHUANA USE,
BUT WE FEEL CRIMINAL PENALTIES THAT BRAND OTHERWISE LAW-
ABIDING PEOPLE FOR LIFE ARE NEITHER AN EFFECTIVE NOR AN
APPROPRIATE DETERRENT.

2. THE STEADILY INCREASING USE OF MARIHUANA OVER THE LAST TEN YEARS HAS BEEN A MATTER OF MAJOR PUBLIC CONCERN. DESPITE HARSH PENALTIES IN MANY STATES, VIGOROUS DRUG EDUCATION PROGRAMS AND CONSIDERABLE MEDIA ATTENTION, AS MANY AS 35 MILLION AMERICANS HAVE TRIED MARIHUANA. RECENT ESTIMATES SHOW THAT AS MANY AS 11 MILLION PEOPLE ARE NOW USING THE DRUG ON AT LEAST A WEEKLY BASIS. RESEARCH TO DATE INDICATES THAT WHILE MARIHUANA INTOXICATION SEEMS TO CARRY WITH IT THE SAME HAZARDS AS ALCOHOL WITH RESPECT TO THE OPERATION OF AUTOMOBILES, IT IS NOT PHYSICALLY ADDICTING AND IN INFREQUENT OR MODERATE USE, PROBABLY DOES NOT POSE AN IMMEDIATE SUBSTANTIAL HEALTH HAZARD TO THE INDIVIDUAL.

3. TEN YEARS AGO WE KNEW VIRTUALLY NOTHING ABOUT MARIHUANA. NOW, THE ANNUAL BUDGET FOR RESEARCH ON MARIHUANA AT THE NATIONAL INSTITUTE OF DRUG ABUSE IS FOUR MILLION DOLLARS. EACH YEAR WE ARE LEARNING MORE. IT IS HOWEVER, CLEAR THAT SUBSTANTIAL ADDITIONAL RESEARCH NEEDS TO BE DONE AND ONE CANNOT SAY WITH ABSOLUTE CERTAINTY THAT ADDITIONAL STUDIES MAY NOT DEMONSTRATE SERIOUS POTENTIAL HEALTH HAZARDS OR THAT SERIOUS PROBLEMS MAY NOT ARISE FROM CHRONIC USE.

4. DISCUSSION AND DEBATE HAS CONTINUED FOR MANY YEARS AT ALL LEVELS OF GOVERNMENT, YET THERE IS A LACK OF CONSENSUS. MAJOR EFFORTS TO ASSESS THE HEALTH HAZARDS OF MARIHUANA USE, ITS INTOXICATING EFFECTS, AND THE EQUITY AND RATIONALE

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OF CRIMINAL PENALTIES FOR THE INDIVIDUAL ABUSER HAVE BEEN CONDUCTED. YET, WE STILL DO NOT FULLY UNDERSTAND THE DETERRENT EFFECTS OF VARIOUS SANCTIONS TAKEN AGAINST THOSE WHO POSSESS MARIHUANA FOR THEIR PERSONAL USE. IN OCTOBER OF 1973, OREGON BECAME THE FIRST STATE TO DECRIMINALIZE THE USE OF MARIHUANA. SUBSEQUENT STUDIES IN 1974 AND 1975 SHOWED THAT THERE WAS NO APPRECIABLE INCREASE IN THE USE OF MARIHUANA IN THE STATE. A FOLLOW-UP STUDY IN 1976 INDICATED THE USAGE HAD RISEN BUT REMAINED BELOW THE AVERAGE OF OTHER WEST COAST STATES. IT IS THE POSITION OF THE ADMINISTRATION THAT IT SHOULD BE LEFT TO THE INDIVIDUAL STATES TO DETERMINE WHETHER THEY WISH TO DECRIMINALIZE THEIR LAWS FOR THE POSSESSION OF SMALL AMOUNTS OF MARIHUANA FOR PERSONAL USE AND THAT THE FEDERAL GOVERNMENT SHOULD NOT SEEK IN ANY WAY TO INFLUENCE THAT DECISION. HOWEVER, WE DO FEEL THAT TO MAINTAIN THE OPTION ENTIRELY IN THE HANDS OF THE STATE, THE FEDERAL LAW WHICH IS NOW RARELY ENFORCED WITH REGARD TO SIMPLE POSSESSION SHOULD BE DECRIMINALIZED ALONG THE LINES SUGGESTED IN THE BILL

RECENTLY SUBMITTED TO THE CONGRESS.

5. IT IS IMPORTANT TO DISTINGUISH BETWEEN DECRIMINALIZATION AND LEGALIZATION. REDUCTION OF THE PENALTIES FOR

SIMPLE POSSESSION OF SMALL AMOUNTS OF MARIHUANA MAKING IT A CIVIL OFFENSE WITH A FINE, RATHER THAN A JAIL SENTENCE SEEMS TO HAVE BEEN AN EFFECTIVE AND APPROPRIATE APPROACH IN MANY STATES. THE OFFENDER RECEIVES A CITATION AND NO PERMANENT CRIMINAL RECORD. WE HAVE SEEN IN THE PAST WHERE CRIMINAL PENALTIES HAVE RESULTED IN OTHERWISE LAW-ABIDING YOUNG PEOPLE SPENDING TIME IN PRISON AND INCURRING PERMANENT DAMAGE TO THEIR CAREERS AND THEIR ABILITY TO ENTER PROFESSIONS. THIS CAUSES FAR GREATER HARM TO THEIR LIVES THAN ANY EFFECT THE DRUG WOULD HAVE HAD AND THE PENALTIES ARE COUNTER-PRODUCTIVE. LEGALIZATION OF MARIHUANA, RATHER THAN DECRIMINALIZATION, WOULD BE TOTALLY INAPPROPRIATE AND UNCLASSIFIED

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WOULD ONLY SERVE TO ENCOURAGE THE USE OF THE DRUG WHEN WE SEEK TO DETER IT AND OPEN THE DOOR TO A BROAD SCALE COMMERCIALIZATION. IN ADDITION LEGALIZATION WOULD VIOLATE THE 1961 SINGLE CONVENTION OF WHICH THE UNITED STATES IS A SIGNATORY, WHILE DECRIMINALIZATION WOULD NOT.

6. AT THE SAME TIME WE REMAIN FIRMLY COMMITTED TO THE VIGOROUS PROSECUTION OF THOSE WHO TRAFFIC IN MARIHUANA AND OTHER DRUGS.

7. IN CLOSING, I WOULD LIKE TO EMPHASIZE THAT IT IS THE FIRM COMMITMENT OF THIS ADMINISTRATION TO DISCOURAGE DRUG ABUSE OF ALL KINDS. WE WILL BE WORKING VERY HARD TO DO THIS THROUGH A COMBINED PROGRAM OF INTERNATIONAL INITIATIVES, HUMANE TREATMENT AND PREVENTION PROGRAMS, AND VIGOROUS LAW ENFORCEMENT EFFORTS. WE, AT THE FEDERAL LEVEL, HAVE DETERMINED THAT SCARCE CRIMINAL JUSTICE RESOURCES CAN BEST BE USED TO IMMOBILIZE MAJOR DRUG TRAFFICKERS AND NOT FOCUS ON STREET USERS. THIS SAME ISSUE IS APPROPRIATE FOR EACH STATE IN OUR UNION AND EACH STATE SHOULD HAVE COMPLETE AUTONOMY TO MAKE SUCH A DETERMINATION. END QUOTE.
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